

★ SEP 12 2018 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x  
J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

- against -

THE NEST RESTAURANT & BAR INC.,  
HAIMDATH SUKHDEO AND NALINI GARIB  
SUKHDEO

Defendants.  
----- x

**ORDER**

17 CV 2194 (RJD) (VMS)

DEARIE, District Judge:

After a review of Magistrate Judge Scanlon's Report & Recommendation, dated July 17, 2018, and the timely Objections filed by Plaintiff, dated July 25, 2018, I adopt the Recommendation of Judge Scanlon in full and without qualification. In a default setting, the burden on Plaintiff to justify a finding of personal liability for certain principals is not an imposing one, as the Court is appropriately obliged to accept as true all well-pleaded factual allegations. But something more than the shallow and conclusory allegations of vicarious liability is needed to bolster the Plaintiff's allegation and warrant judgment in Plaintiff's favor against the individual Defendants. While the inference of knowledge and participation by the principals may be available, it is hardly compelling in this case, did not convince Magistrate Judge Scanlon after a careful analysis of the presentation, and does not persuade the undersigned as well.

The Clerk of Court is directed to enter judgment in accordance with Magistrate Judge Scanlon's Recommendation. The claims asserted against the individual defendants are dismissed.

SO ORDERED

Dated: Brooklyn, New York

September 12, 2018

s/ RJD

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RAYMOND J. DEARIE

United States District Judge